

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

WILLARD F. BREHM, Trustee of the )  
Willard F. Brehm Trust, GLADYS M. )  
BREHM, Trustee of the Gladys M. )  
Brehm Trust, ALVENA T. FROST, )  
Alvena T. Frost, Trustee of the Alvena )  
T. Frost Trust, ARLIN STUTHEIT, )  
RICHARD HAUBERG, ELAINE )  
HAUBERG, GARY RADEMACHER, )  
and PAMELA RADEMACHER, on )  
behalf of themselves and all others )  
similarly situated, )

Plaintiffs, )

v. )

CAPITAL GROWTH FINANCIAL, Inc., )  
REBECCA ENGLE, BRIAN )  
SCHUSTER, ENGLE & SCHUSTER )  
FINANCIAL, Inc., AMERICAN )  
CAPITAL, Corporation, ROYAL PALM )  
CAPITAL GROUP, Inc., CAPITAL )  
GROWTH EQUITY FUND I, LLC, ALAN )  
JACOBS, MICHAEL JACOBS, )  
GERALD PARKER, JOHN BOYCE, )  
GERALDINE MAGALINCK, PATRICK )  
HARRINGTON, PETER KIRSCHNER, )  
and STARK WINTER SCHENKEIN & )  
CO., LLP, )

Defendants. )

8:07CV254

ORDER

This matter is before the court on a number of motions. On January 22, 2008, the court granted the plaintiffs' motion to file an amended complaint. The court hereby finds that the filing of the plaintiffs' amended complaint moots following motions:

1. Defendant Stark Winter Schenkein & Co.'s motion to dismiss. Filing No. 22.
2. Defendants Capital Growth Equity Fund I, Capital Growth Financial, Alan

Jacobs, and Michael Jacob's motion to dismiss and motion to stay discovery.  
Filing No. 64.

3. Defendants Capital Growth Equity Fund I, Capital Growth Financial, Alan Jacobs, and Michael Jacob's motion to take judicial notice. Filing No. 66.
4. Defendant Gerald Parker's motion to dismiss. Filing No. 133.
5. Defendant Peter Kirschner's motion to dismiss. Filing No. 142.

The foregoing motions are hereby denied as moot.

DATED this 23th day of January, 2008.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge